



Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333

November 16, 2017

Charlotte Norris
Jenkins Fenstermaker, PLLC
325 Eight Street
Huntington, West Virginia 25701
Via email: CHN@jenkinsfenstermaker.com

Dear Ms. Norris:

This letter is regarding your Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) Freedom of Information Act (FOIA) request of December 5, 2016, assigned #17-00170-FOIA, for respective records on information within a perimeter bound by First Avenue North, Huntington Street, Second Avenue North and Virginia Street in Saint Albans, Kanawha County, West Virginia.

Your FOIA request consisted of 18 items of which the CDC/ATSDR FOIA office is providing responses to Items #9, #13, and #16 -18. The National Center for Environmental Health, Agency for Toxic Substances and Disease Registry (NCEH/ATSDR) annotated the following:

- Items # 1-2: The ATSDR program did not conduct any environmental testing in the areas described.
- Items # 3-8: The ATSDR has not prepared any reports or studies for the addresses provided.
- Items # 10-12: The ATSDR did not have any information for the addresses provided.
- Item # 14: There was water line flushing throughout the region during the MCHM event, but ATSDR does not have any specific information or files on the subject beyond what the WV state agencies published for the public on their website.
- Item #15: The ATSDR does not have information about specific sampling locations. There were sampling in the St. Albans area during the MCHM incident; WV DEP, WV BPH/DHHR or state contracted researchers (Dr. Simonton from Marshall University) would likely have this information.

We located 330 pages of responsive records of which 237 pages were released in full, 3 pages were disclosed in part, and 45 pages were withheld in full. After a careful review of these pages, some information was withheld from release pursuant to 5 U.S.C. §552 Exemption 5 and 6.

Exemption 5 protects inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. Exemption 5 therefore incorporates the privileges that protect materials from discovery in litigation, including the deliberative process, attorney work-product, and attorney-client privileges. Information withheld under this exemption was protected under the deliberative process privilege. The deliberative process privilege protects the decision-making process of government agencies. The deliberative process privilege protects materials that are both predecisional and deliberative. The materials that have been withheld under the deliberative process privilege of Exemption 5 are both predecisional and deliberative, and do not contain or represent formal or informal agency policies or decisions. Examples of information withheld include draft reports.

Exemption 6 protects information in personnel and medical files and similar files when disclosure would constitute a clearly unwarranted invasion of personal privacy. The information that has been withheld under Exemption 6 consists of personal information, such as constituent names, addresses, and phone numbers, and we have determined that the individual/s to whom this information pertains have a substantial privacy interest in withholding it.

There were two other agencies equity found during the CDC/ATSDR FOIA program search, as such, 14 pages were referred to the Occupational Safety Health Administration (OSHA), and 31 pages were referred to the Environmental Protection Agency (EPA). The links to their respective FOIA websites are as follows:

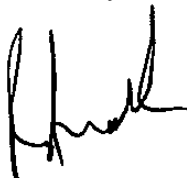
- OSHA FOIA: <https://www.osha.gov/as/opa/foia/foia.html>
- EPA FOIA: <https://www.epa.gov/foia>

In accordance with the Department's implementing regulations, 45 CFR Part 5, a fee of \$690 was assessed and stamped paid in full at the CDC/ATSDR FOIA office on November 3, 2017.

You may contact our FOIA Public Liaison at 770-488-6277 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with the response to this request, you may administratively appeal by writing to the Deputy Agency Chief FOIA Officer, Office of the Assistant Secretary for Public Affairs, U.S. Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue, Suite 729H, Washington, D.C. 20201. Please mark both your appeal letter and envelope "FOIA Appeal." Your appeal must be postmarked or electronically transmitted by Wednesday, February 14, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roger Andoh', with a stylized, cursive script.

Roger Andoh
CDC/ATSDR FOIA Officer
Office of the Chief Information Officer
(770) 488-6399
Fax: (404) 235-1852

Enclosures

17-00170-FOIA